

Remarks/Argument

The above-identified application has been carefully reviewed and amended in light of the Examiner's communication mailed November 4, 2004.

Applicant greatly appreciates the Examiner's thorough review of the application. Applicant believes that the present claims, in light of the arguments set forth herein, show the present invention to be patentable.

In the specification, the paragraph bridging pages 11 and 12 has been amended to correct typographical errors therein.

Independent claims 1 has been amended to incorporate the limitations of claim 8 therein and to more clearly define an embodiment of the invention for which patent protection is sought.

Independent claims 13 and 20 have been amended similarly to claim 1.

Claim 13 has also been amended by deleting the phrase "at least one" from the claim.

Claim 20 has been amended by substituting "score line" with "transverse score line" in order to make the claim read more consistent with the other independent claims.

Dependent claim 4 has been amended to provide proper antecedent basis for the claim in relation to claim 1.

Dependent claim 8 has been cancelled in light of the amendment to claim 1.

Dependent claims 14 and 19 have been amended to provide proper antecedent basis in light of the amendment to claim 13.

Dependent claim 16 has been amended by removing the term "first" from the claim in order to provide proper antecedent basis with respect to claim 13.

Applicant submits that the amendments to the claims do not add "new matter" to the application, as each of these features are clearly shown in the Drawings and are described in the specification as originally filed.

The Examiner has objected to the Drawings as not showing the transverse score line on the cover for forming into the smaller box as claimed in Claim 20. The Examiner has rejected claims 20-21 as failing to comply with the written description requirement under 35 USC 112, first paragraph. Specifically, the Examiner contends that the specification fails to teach the score line on the cover forming into a smaller box as set forth in claim 20, and multiple transverse score lines forming into a box with tapering depth, as set forth in claim 13.

In response, applicant has amended claims 13 and 20 to delete the questioned subject matter.

Applicant submits that these amendments overcome the Examiner's objection to the Drawings and the Examiner's rejections of the claims under 35 U.S.C. 112, first paragraph. Applicant respectfully requests that such objection and rejections be withdrawn.

The Examiner has rejected claims 1-5, 8, 13-16, 20 and 21 under 35 U.S.C 102(b) as being anticipated by Ritter. Applicant traverses this rejection as it pertains to claims 1-5, 8, 13-16, 20 and 21, as amended.

Amended independent claim 1 is directed to a box useful for pizza, the box comprising a first portion and a second portion hingedly coupled to the first portion. In addition, the box includes a transverse score line extending across the first portion and located between and spaced apart from front and back edges of the first portion and is structured such that when the

second portion is separated from the first portion and the separated first portion is creased along the transverse score line, the first portion, in an assembled condition, defines a container having an outer front wall, a hinge opposing the outer front wall and defined by the creased transverse score line, and a tapering depth that continually decreases from the outer front wall to the creased transverse score line.

Amended independent claim 13 is directed to a product formable into a space saving box for pizza. The product comprises a substantially flat portion, a pair of side walls each coupled to one of the opposing longitudinal side edges of the portion, a front end wall and a back end wall coupled to front and back edges respectively of the flat portion and a transverse score line located between and spaced apart from the front and back edges of the flat portion, wherein, when the portion is folded along the transverse score line, the portion defines a box for pizza having an outer front wall and a tapering depth that continually decreases from the outer front wall to the folded transverse score line.

Amended independent claim 20 is directed to a box, useful for pizza, which comprises a base portion, a cover portion, the base and cover portions sized and structured to form a box of sufficient size to hold a whole pizza, and a transverse score line on the base portion. In addition, the score line is positioned such that when the cover portion is removed from the box, the base portion is foldable about the transverse score line into a smaller box having a tapering depth that continually decreases from a front wall of the box to the transverse score line which forms a hinge of the smaller box.

Applicant submits that Ritter does not disclose, teach or

suggest the invention recited in any of the present claims.

For example, Ritter does not disclose, teach or even suggest a box structured such that when a second portion is separated from a first portion and the first portion is creased along a transverse score line, the first portion, in an assembled condition, defines a container having an outer front wall, a hinge opposing the outer front wall and defined by the creased transverse score line, and a tapering depth that continually decreases from the outer front wall to the creased transverse score line, as recited in claim 1. In addition, Ritter does not disclose, teach or even suggest a container having an outer front wall, a hinge opposing the outer front wall and defined by the creased transverse score line, and a tapering depth that continually decreases from the outer front wall to the creased transverse score line, as recited in claim 13. Further, Ritter does not disclose, teach or even suggest a box having a transverse score line and being structured such that, when a cover portion is removed from the box, the base portion is foldable about the transverse score line into a smaller box having a tapering depth that continually decreases from a front wall of the box to the transverse score line which forms a hinge of the smaller box, as recited in claim 20.

To the contrary, Ritter actually teaches away from the present invention. Thus, Ritter discloses a reducible carton for pizza pies which includes a non-tapered portion. This is in direct contrast to the container and smaller box of the present claims which continually taper from front to back.

As explained in the present specification as filed, the present space saving box having a continually tapering configuration from front to back is advantageous in that, for

example, when placed in a refrigerator, the space saving box is unlikely to be utilized as a storage surface for storage of other food items, such as, for example, heavy jars of food, due to the sloped nature of the top portion of the box. In addition, two space saving boxes, in accordance with the present invention, can be stacked one on top of the other in alternating fashion to take up only as much space as the deepest dimension of a single one of the space saving boxes. Ritter's partially tapered reducible box affords none of these advantages.

In light of the above, applicant submits that the present claims, and in particular claims 1-5, 13-16, 20 and 21, are not anticipated by and are unobvious from and patentable over Ritter under 35 U.S.C. 102(b) and 103(a).

The Examiner has rejected claims 1, 2 and 10-12 under 35 U.S.C. 102(b) as being anticipated by Tulkoff. Applicant traverses this rejection as it pertains to the claims, as amended.

Tulkoff does not disclose, teach or suggest the present invention. For example, Tulkoff does not disclose, teach or even suggest a box structured such that when a second portion is separated from a first portion and the first portion is creased along a transverse score line, the first portion, in an assembled condition, defines a container having an outer front wall, a hinge opposing the outer front wall and defined by the creased transverse score line, and a tapering depth that continually decreases from the outer front wall to the creased transverse score line, as recited in the present claims.

Moreover, there is no motivation in Tulkoff for modifying its pizza packaging system into a box structure that allows for reduction of a full sized pizza box into any type of space

saving smaller box, let alone a container or smaller box which continually tapers from front to back, as recited in the present claims.

In light of the above, applicant submits that the present claims, and in particular claims 1, 2 and 10-12, are not anticipated by and are unobvious from and patentable over Tulkoff under 35 U.S.C. 102(b) and 103(a).

The Examiner has rejected claims 13 and 14 under 35 U.S.C. 102(b) as being anticipated by Vuillemenot or Arneson. Applicant traverses each of these rejections as it pertains to the claims, as amended.

Neither Vuillemenot nor Arneson discloses, teaches or suggests the present invention.

For example, neither Vuillemenot nor Arneson discloses, teaches or even suggests a container having an outer front wall, a hinge opposing the outer front wall and defined by the creased transverse score line, and a tapering depth that continually decreases from the outer front wall to the creased transverse score line, as recited in the present claims.

Vuillemenot teaches a cardboard box having a complicated construction that forms a box having halves which telescope into one another. Vuillemenot teaches away from a pizza box which is reducible by tearing away portions thereof and foldable into a space saving box, let alone a space saving box as recited in the present claims. Vuillemenot's box construction is not at all reducible into a space saving box, and is not intended or suitable for holding pizza.

Arneson teaches a garment storage box. Arneson provides no motivation to a person of ordinary skill in the art to modify Arneson's garment box to produce a pizza box which is reducible

by tearing away portions thereof and foldable into any smaller space saving box, let alone the space saving box recited in the present claims. In addition, Arneson's box is not intended or suitable for holding pizza.

In light of the above, applicant submits that the present claims, and in particular claims 13 and 14, are not anticipated by and are unobvious from and patentable over Vuillemenot and/or Arneson under 35 U.S.C. 102(b) and 103(a).

The Examiner has rejected claims 20-21 under 35 U.S.C. 102(b) as being anticipated by Capo. Applicant traverses this rejection as it pertains to the claims, as amended.

Capo does not disclose, teach or suggest the present invention.

For example, Capo does not disclose, teach or even suggest a box having a transverse score line and being structured such that when a cover portion is removed from the box, the base portion is foldable about the transverse score line into a smaller box having a tapering depth that continually decreases from a front wall of the box to the transverse score line which forms a hinge of the smaller box, as recited in the present claims.

Capo teaches a dual purpose carton that is structured such that it can be used for packaging food products and then reconstructed to form a caddy for pencils and crayons. Capo does not even suggest a space saving box having a continually tapering configuration from front to back that is suitable for holding flat food products, such as pizza, nor does Capo provide any motivation to a person of ordinary skill in the art to modify Capo's carton to create a box, as defined in the present claims.

In light of the above, applicant submits that the present claims, and in particular claims 20-21, are not anticipated by and are unobvious from and patentable over Capo under 35 U.S.C. 102(b) and 103(a).

The Examiner has rejected claims 9 and 18 under 35 U.S.C. 103(a) as being unpatentable over either Ritter or Tulkoff in view of Anatro, in that Anatro teaches a container made from recycled material.

Applicant submits that Anatro's disclosure of a recyclable material does not supply the substantial deficiencies apparent in the teachings of Ritter, Tulkoff and/or any of the other references cited by the Examiner.

In light of the above, applicant submits that the present claims, and in particular claims 9 and 18, are unobvious from and patentable over Ritter or Tulkoff in view of Anatro under 35 U.S.C. 103(a).

Furthermore, each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art, taken singly or in any combination, disclose, teach or even suggest the present blanks, products or boxes including the additional feature or features recited in any of the dependent claims. Therefore, applicant submits that all of the present claims are separately patentable over the prior art.

In conclusion, applicant has shown that the specification and drawings are in proper form and that the claims satisfy the requirements of 35 U.S.C. 112, and are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. 102 and 103. Therefore, applicant submits that the present claims 1-7 and 9-21 are allowable, and respectfully requests the Examiner to pass the above-identified application

to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,



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